IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 903 of 1984

Contship Saudi National Line Ltd. & ors.. Plffs

versus

M.M. Industries .. Defendant

...

Mr.J. Raut i/b crawford Bayley & Co. for the plff.

None for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 4th August 2005.

P.C.:

1. Learned counsel for the plaintiff states that the summons sent to the defendant through the Sheriff of Bombay has been returned unserved. He tenders two packets. The packets show that the summons was returned unserved in September 1989. Thereafter, the plaintiff has not taken any steps for service of the summons on the defendant. The suit of the plaintiff is therefore dismissed under Order 9 Rule 5 of the Code of Civil Procedure.

D.G. KARNIK, J